



January 30, 2004

## HOUSE BILL No. 1056

DIGEST OF HB 1056 (Updated January 28, 2004 12:40 pm - DI 107)

**Citations Affected:** IC 31-15.

**Synopsis:** Domestic violence and dissolution of marriage. Provides that in a dissolution of marriage or legal separation, a court may order an individual to pay certain expenses to the spouse if the court determines in a hearing that the individual committed domestic or family violence against the spouse.

**Effective:** July 1, 2004.

**Mays, Becker, Lawson L, Scholer**

January 13, 2004, read first time and referred to Committee on Judiciary.  
January 29, 2004, amended, reported — Do Pass.

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HB 1056—LS 6522/DI 107+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## HOUSE BILL No. 1056

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-15-10-1.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2004]: **Sec. 1.5. (a) A court may order an**  
4 **individual to pay a reasonable amount to the individual's spouse**  
5 **for:**

- 6           (1) attorney's fees;  
7           (2) mediation fees;  
8           (3) arbitration fees; or  
9           (4) other expenses to maintain or defend a proceeding under  
10          this article;

11 **if the court determines after holding a hearing described in**  
12 **subsection (b) that the spouse has been the victim of domestic or**  
13 **family violence that was committed by the individual.**

14          **(b) A spouse may petition the court for any fees, expenses, or**  
15 **lost wages under subsection (a). After the court receives the**  
16 **petition, the court shall conduct a hearing to determine whether**  
17 **the spouse has been the victim of domestic or family violence**

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1 committed by the individual.

2 (c) If the court sets a hearing under subsection (b), the court  
3 shall:

4 (1) notify both parties of the hearing;

5 (2) schedule the hearing at least ten (10) days after the  
6 petition is filed.

7 (d) Both parties may subpoena witnesses and present evidence  
8 regarding the claims of domestic or family violence stated in the  
9 petition.

10 (e) The court may consider the following evidence in a hearing  
11 under subsection (b):

12 (1) A report of a law enforcement agency (as defined in  
13 IC 5-2-5-1(12)).

14 (2) A protection order issued under IC 34-26-5.

15 (3) A foreign protection order (as defined in IC 34-6-2-48.5).

16 (4) An affidavit from a domestic violence service provider  
17 verifying services provided to the spouse by the domestic  
18 violence service provider.

19 (5) A charging instrument.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, after "fees;" insert "**or**".

Page 1, line 9, delete "marriage counseling expenses;"

Page 1, line 10, delete "(5)".

Page 1, run in lines 9 through 10.

Page 1, line 11, delete "article; or" and insert "**article**".

Page 1, delete line 12.

Page 1, line 13, delete "spouse demonstrates" and insert "**court determines after holding a hearing described in subsection (b)**".

Page 1, line 15, delete "To demonstrate that an individual's spouse has been the" and insert "**A spouse may petition the court for any fees, expenses, or lost wages under subsection (a). After the court receives the petition, the court shall conduct a hearing to determine whether the spouse has been the victim of domestic or family violence committed by the individual.**

(c) If the court sets a hearing under subsection (b), the court shall:

(1) notify both parties of the hearing;

(2) schedule the hearing at least ten (10) days after the petition is filed.

(d) Both parties may subpoena witnesses and present evidence regarding the claims of domestic or family violence stated in the petition.

(e) The court may consider the following evidence in a hearing under subsection (b):

Page 1, delete lines 16 through 17.

Page 2, line 1, after "(1)" delete "a" and insert "**A**".

Page 2, line 2, delete ";" and insert ".".

Page 2, line 3, delete "a" and insert "**A**".

Page 2, line 3, delete ";" and insert ".".

Page 2, line 4, delete "a" and insert "**A**".

Page 2, line 4, delete ";" and insert ".".

Page 2, delete line 5.

Page 2, line 6, delete "an" and insert "**An**".

Page 2, line 8, delete "provider;" and insert "**provider**."

(5) **A charging instrument.**

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Page 2, delete lines 9 through 10.  
and when so amended that said bill do pass.  
(Reference is to HB 1163 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 12, nays 0.

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